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Seattle University

**Mega-Development Projects in Chile and Nicaragua: Social and Environmental Costs and  
the Future of Indigenous and Human Rights**

A Thesis Submitted to  
The Faculty of the College of Arts and Sciences  
In Candidacy for the Degree of  
Departmental Honors in International Studies

By

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Committee in charge:

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Professor Robert Andolina

June 2016

This honors thesis by Emily Kawahigashi is approved

A handwritten signature in blue ink, appearing to read "Serena Cosgrove", written over a horizontal line.

Dr. Serena Cosgrove

A handwritten signature in black ink, appearing to read "Robert Andolina", written over a horizontal line.

Dr. Robert Andolina

June 2016

**Abstract**

This paper explores the impacts of mega-development projects in Chile and Nicaragua using a postcolonial framework to critically analyze the effects on the environment and indigenous Pehuenche Mapuche and Nicaraguan Rama communities. Through an analysis of the Ralco Hydroelectric Dam in Chile and the proposed Interoceanic Nicaraguan Canal, this paper will examine and unpack the historical context and postcolonial practices which allowed for the state approval of the mega-development projects. I will then review how detrimental the each project's impact is on traditional indigenous ways of life. Finally this paper will recommend a bottom-up, top-down strategy based on indigenous empowerment and the complementing role of international multilateral institutions and civil society organizations to combat the circumvention of national and international laws by the economic and political elite.

**I. Introduction**

Starting in the 1980s, neoliberal economic paradigms have dominated global economic development processes. Often when periphery countries adopt these policies, they embrace colonial processes to capitalize on already marginalized indigenous communities and natural resources (Stavenhagen, 2005). In Latin America, a postcolonial present of ethnic and cultural differences are often exacerbated as a result of the implementation of neoliberal and macroeconomic policies, creating racist undertones as only a select few benefit while further oppressing already marginalized communities (Stocks, 2005, Stavenhagen, 2005). In an attempt to gain quick entry into the neoliberal global economy, periphery states have pursued mega-development projects. While these mega-projects have been shown to boost economic growth as well as attract foreign investors, they also live up to their name in the colossal amount of



resources they require and many permanently alter the environment in which they are constructed (Oliomogbe, 2012, Ishizawa, 2004). Poor understanding mega-project technicalities and inadequate comprehension of future social, environmental, and economic consequences can damage a region's cultural and biological diversity beyond repair. Indigenous land is usually resource rich and valuable for economic development. Due to neoliberal ideologies, the state tends to view land used by indigenous communities as useful potential for state developmental goals usually resulting in land appropriation (Stavenhagen, 2005). General lack of knowledge of national and international laws and a distinct cultural ideology ill-prepare indigenous peoples to defend themselves against government and corporate-led development strategies which do not accommodate for their values, lifestyles, and identities (ibid.). Consistently the result is unjust exploitation and continued marginalization.

This thesis will analyze the events that led up to the construction of Chile's Ralco Dam and the planning for the Nicaraguan Interoceanic Canal and how those actions have violated the national and international rule of law resulting in the infringement on human and environmental rights. Through a postcolonial framework which includes neocolonial critiques as well, I will address the impacts these megaprojects can have on the indigenous communities of the Rama and the Pehuenche, focusing on the severing of their traditional and spiritual lifestyles and forced incorporation into a state which they do not identify with. I will then propose a bottom-up empowerment strategy to combat future marginalization of indigenous communities based on the wealth of indigenous culture and knowledge and review the role of international multilateral institutions and civil society organizations in recognizing indigenous movements and creating international indigenous dialogue.

## **II. Conceptual Framework**

### **Neocolonialism and Post-Colonialism**

Existing inequalities and conflicts in Latin America can only be understood through a framework which analyzes the region's history and the ongoing postcolonial practices, often dubbed as 'neocolonialism'. The term 'neocolonialism' was introduced by Kwame Nkrumah, the president of Ghana in 1961 (Nami, 2010). It is defined as the "imperial system of economic exploitation in which the metropolitan center drains the resources of the periphery while at the same time encouraging it to consume its manufactured products in an unequal, unbalanced system of exchange" (ibid. 12). This manifestation of economic, political, and cultural dominance has replaced the idea of formal colonization by creating the notion of exerting imperialism without direct military or state presence. The legacy of colonialist practices have also shaped how economic and political policies center around the exploitation of natural resources, thus neocolonialism often manifests through the implementation of neoliberal and macroeconomic policies (Cosgrove, 2016). Practices of neocolonialism have created a periphery dependency on the metropolises as the two remain unequally economically tied often leaving the periphery at the mercy of the metropolises' economic fluctuations.

In Latin America in the 1970s and 1980s, neoliberal and macroeconomic policies generally complemented the transitions from repressive authoritarian rule to democratic regimes (Richards, 2013). "[Neoliberal] reforms entailed establishing an export-based economic strategy, opening the economy to international investment, eliminating trade barriers, privatizing state industries, devaluing the currency, and replacing universal social services with programs targeting particularly needy sectors" (Patricia, 9, 2013). Typically these reforms strove to

“enhance the market and individualism” by imposing a narrow development imaginary of neoliberal regimes (Laurie, 79, 2012). States such as Nicaragua and Chile, were caught inside this “the standard “box” of development solutions” (ibid. 79). Foreign direct investment, defined as the “private capital flows in the form of multinational firms purchasing or opening...new subsidiaries outside the home economy”, began to flow into Latin America to invest in neoliberal developmental projects (Montero, 55, 2008). While “foreign direct investment (FDI) has played a critical role in the modernization of Latin American economies”, there is evidence that “countries with poor human rights records tend to collect more FDI” (ibid. 55, 76). This is due to the stability a strong government can guarantee for foreign investors, which is sometimes the result of the oppressive actions of authoritarian or corrupt regimes. The influx of foreign money is generally directed towards financing public and private sector projects which were then tailored to fit Western economic regulations and requirements. Neoliberal development trends have pushed indigenous communities off traditional lands, often taking advantage of the unique indigenous social constructions (Stavenhagen, 2005). Additionally, export-based economies in Latin America have been focused on raw materials resulting in the depletion of natural resources making indigenous territory economically valuable and vulnerable to foreign and state interests.

Postcolonialism can also refer to the ‘academic imperialism’ imposed by an unequal relationship between the global metropolises and periphery (Rakowski, 1993). Academic imperialism is the concept that “dependency relations between countries extend to universities and research activities” (ibid. 70). In sum, Western states have more money and leisure to pursue national and international research projects and may impose certain research traditions, methodologies, and theories which can dominate the intellectual world. For example, Western research may preference “individual civil rights over social and economic rights as well as

community rights” (Cosgrove, 5, 2016). The influence of such ideologies can be harmful for advocates for collective rights as they are cut from universal human rights conversations. The neoliberal development/dependency framework that postcolonialism supports “is increasingly being analyzed as a particular form of modernity...institutionalized as “normal” through practice” and marketed as the “contemporary development paradigm” (Laurie, 77, 84, 2012). Chile and Nicaragua both operate within this neocolonial and neoliberal dependency framework as both states have been subject to colonization, exploitation, imperial intervention and economic manipulation. This collective history of direct exploitation followed by economic dependency relegate Chile and Nicaragua to positions in which the only opportunity to achieve “contemporary development” is by accepting neoliberal development structures. As both states subscribe to neocolonial practices, they in turn adopt colonial initiatives to capitalize on already marginalized indigenous communities and natural resources in order to reap the necessary materials to pursue infrastructure projects. Despite stark contrasts in political structures, Western relations, gross domestic income (GDP), in addition to the two decades which separate the two mega-development projects, colonial legacies continue to demonstrate their impacts in a spectrum of postcolonial states.

### **Mega-development Projects**

The rise in foreign-funded mega-development projects has a direct correlation to the dependent positions of postcolonial countries. These mega-development projects funded by foreign corporations, states, or institutions are often marketed as a method of entering into the global economy through strengthening internal infrastructure and fostering international relationships with elite and affluent global actors. Such mega-projects have been generally

defined as taking more than a decade to construct, costing more than a million dollars, and utilizing immense amounts of resources (Oliomogbe, 2012). Because megaprojects must function in accordance with national and international laws, detailed appraisals of risks and the addressing of those risks is required (Kumaraswamy, 2007). However, mega-development projects are often seen as controversial as they are “realistically non-viable” and due to their political nature, may not be in the “best interest of the public” (Oliomogbe, 618-619, 2012). Too often these infrastructure projects are not properly assessed and overseen resulting in the violation of human and environmental laws and rights leading to the hyper-marginalization of already marginalized communities and the degradation of the environment within the host state (Ishizawa, 2004).

### **III. Historical and Cultural Context**

#### **Indigenous Peoples and their Rights**

Indigenous peoples in Latin America have a history of marginalization, beginning with colonial rule and continuing with postcolonial practices. Indigenous rights movements have generally been “rooted in the struggle for identity, representation, and cultural reproductions, as well as control over resources” (Larson, 228, 2015). Latin America has a history of blurring ethnic and cultural lines in order to form national identities resulting in a “low level of ethnic consciousness” (Madrid, 33, 2008). Until recently, indigenous rights have largely been ignored and branded as obstacles to ‘contemporary development’, but international advancements for indigenous rights, headed by the United Nations and other international institutions, have sparked conversations and studies on indigenous rights (Stocks, 2005). Beginning in 1995 until

2004, the United Nations hosted an International Decade of the World's Indigenous Peoples (ibid.). These sessions brought about discourses which called for more political representation, cultural autonomy, and land rights. During United Nations Decade on Indigenous Peoples, the Declaration on the Rights of Indigenous Peoples was drafted but it was not adopted until 2007. In the Declaration, the United Nations identifies indigenous peoples as: having "historical continuity with pre-colonial...societies", maintaining a "strong link to territories and surrounding natural resources", having "distinct social, economic, or political systems...[and] distinct language, culture, and beliefs", "form non-dominant groups of society", and "resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities" (United Nations). However, advances made for indigenous rights have generally only taken place at a theoretical policy level and are not necessarily enforced in application, "it takes more than paragraphs in a document to change 500 years of colonial and postcolonial practice" (Stocks, 86, 2005). The demands associated with indigenous groups have always been a hallmark against state sovereignty and neoliberal macro-economic state policies. Indigenous peoples' claims have always stated that rights to self-determination and racial equality are only made possible by the demand of the state returning their land (Bryan, 2012). These demands have widely been interpreted by the state as the desire for agrarian land reforms which stresses the idea of individual land ownership, a concept that does not translate into indigenous traditional land ownership (ibid.). Despite the binding ratification of the Convention 169 of the International Labour Organization, which states that indigenous peoples have the right to be consulted prior to any developmental plans related to their land, the most prominent issues that indigenous peoples face relate directly to their land rights which by extension are what give indigenous peoples their sense of identity and spirituality (Stavenhagen, 2005). In the pursuit of neoliberal development,

indigenous land is repeatedly appropriated despite the international and national rule of law which supposedly protects them.

### **History of Chile and the Mapuche**

The Republic of Chile gained independence from the Spanish through a series of battles that occurred during the early 1800s (South, 2016). Chile's entry into self-rule was unstable as the new state was subject to many presidencies and dictatorships as liberals and conservatives fought each other for political power (Orellana, 2005). In 1970, a short-lived socialist regime began under the presidency of Dr. Salvador Allende, a democratically elected socialist leader. While his government implemented policies which caused inflation and food shortages, he also tried to socialize Chile's mining and forestry companies to decrease foreign influence in the country. Additionally, agrarian land reforms were also implemented in which land was given to poor farmers and some land was also returned to indigenous communities (ibid.). However, Allende's presidency was cut short by a CIA backed military coup in 1973 which put General Augusto Pinochet in power. Despite numerous human rights violations under the Pinochet regime, Chile's economy maintained stable growth due to his free market reforms and currently remains Latin America's most competitive economy even decades after Pinochet left office in 1990 (Alywin, 2002, Bilbao-Osorio, 2014). Chile's neoliberal and free market policies implemented during the Pinochet regime has been referred to as the "Chilean Miracle" and is viewed as one of the smoothest transitions into the global economy (Richards, 2013). Export-oriented economic policies from the 1980s resulted in Chile signing a number of free-trade agreements (Alywin, 2014). As foreign relations strengthened, more international investment poured into the country, much of which was used by the Chilean government as a means to



pursue economic development in agreement with the World Bank and International Monetary Fund priorities for neoliberal development. Investment by international and multilateral financial institutions contributed in the rise of mega-projects in Chile, many of which utilized indigenous land and resources (ibid.).

Chile's development goals have been exclusive of the indigenous Mapuche populations (Carruthers, 2009). Comprising 10% of Chile's population, they are the third largest indigenous group in South America (Nesti, 2002) numbering 1.2 million people. The Mapuche were historically a nomadic people, migrating in accordance with the seasons and the availability of resources, thus much of their culture is based on their relationship with the native forests, forest spirits, and communal land rights (Cosgrove, 2010). Mapuche, meaning 'people of the land', have inhabited the southern cone since 500BC, their language, Mapudugun, 'language of the land' emerges from "listening to the land and all the elements of nature; sounds of wind, rain, trees, movements and sounds of animals, [and the] color of mountains" (ibid. 3). Their fading ecological knowledge is vast and not largely understood outside of their local communities (Herrmann, 2009). The Mapuche have faced various forms of racial, political, and economic discrimination since the formation of the Republic of Chile. Around 79 percent of the Mapuche population have been forced to leave the countryside and their traditional lifestyles for economic opportunity in the cities (Cosgrove, 2010). These migrations to urban centers have severely drained the number of Mapuche maintaining traditional ways of life. Postcolonial racial tensions and neocolonial and neoliberal policies have forced the appropriation of the majority of the Mapuche, leaving the few who fight for indigenous rights buried in poverty.

The Mapuche were never conquered by the Spaniards, in fact, when the Spanish conquistadors traveled towards the Southern Cone, they were pushed back by the Mapuche as



they entered the indigenous land of Araucanía in the 1541 (Nesti, 2002, Clement, 2015). The Spaniards, hailing from the strongest Empire in all of Europe, were unable to conquer land south of the BíoBío River because of Mapuche war tactics which utilized indigenous knowledge of the native rainforests to gain the upper hand against the Spaniards (Clement, 2015). Intimate knowledge of native flora and fauna allowed the Mapuche to navigate the forests and survive with little provisions (ibid.). The Spanish attempts to conquer the Mapuche only lasted until February, 1554 when Mapuche forces ambushed Spanish troops in a forest near Concepción and drove them back to Santiago de Nuevo Extremo (ibid.). It was not until the early 1880s when the Republic of Chile colonized the Mapuche in a series of wars. Then in 1883 the Chilean government settled Mapuche populations into ‘reducciones’, an equivalent of Native American reservations (Nesti, 2002). The fact that the Mapuche were colonized by the Chilean state and not the Spanish creates an important distinction on how the Mapuche view the Chilean state as a colonial entity and as the oppressor of their people. In the early 20th century, Chilean governments began processes to distribute stolen Mapuche land to forestry and agricultural enterprises pushing the Mapuche into less than 5% of their original land (Carruthers, 2009). Then during the presidencies of Eduardo Frei and Salvador Allende in the late 1960s-1970s the Mapuche had 70,000 hectares of land restored (ibid.). However the process of restoration was halted with the military coup and the subsequent regime of General Pinochet. In 1979 Pinochet enacted decree 2.568, opening Mapuche lands to privatization through subsidies, tax breaks, and land concessions in order to attract investment into Chile’s timber industry (ibid.). Traditional Mapuche land use was prohibited as the regime tried to force Mapuche to identify as Chileans, thus in an effort to break apart cultural systems, indigenous families could own no more than six hectares, a restriction which seriously constrained their traditional nomadic lifestyles (ibid.). It

was not until 1993 with the return of democracy to the Chilean state that the Aylwin administration signed the Indigenous Law and gave legal recognition Chile's indigenous groups (Nesti, 2002).

In addition to recognizing indigenous populations within Chile, the Chilean Indigenous Law of 1993 also created an indigenous fund for the redistribution of land and a fund for indigenous economic development (Tomaselli, 2012). These funds were complemented by the establishment of the National Indigenous Development Corporation (CONADI), a legal entity which is responsible for enforcing the Indigenous Law and constructing indigenous policy (ibid.). The corporation board is made up of 17 members, eight of which are elected by indigenous communities (ibid.). The creation of CONADI appeared to be a politically responsible move on the part of the Aylwin administration, but it forced the Mapuche to adapt to a democratic political system that did not align with their spiritual leadership and traditional community hierarchical systems (Nesti, 2002). Additionally, CONADI has been forced to concede many cases related to land, water, and political participation rights "if they adversely affect state priorities and macro-economic plans" (Cosgrove, 119, 2010). These unsuitable approaches to settle agreements with the Mapuche persisted and climaxed with the controversial construction of the Hydroelectric Ralco Dam.

### **History of Nicaragua and the Rama**

The nation-state of Nicaragua was established in 1838 after years of being colonized by the Spanish and British (Sánchez, 2007). However, the territory along the Atlantic coast was not conquered during fifteenth century Spanish conquests (Rivera, 2016) which remained rather autonomous under British protectorate rule until 1893 when the Nicaraguan president José

Santos Zelaya annexed the Atlantic Coast under the central Nicaraguan government. It was during this time that the Nicaraguan government first allowed transnational corporations, backed by United States, funding to exploit the Atlantic Coast's natural resources (ibid.). In 1979, the Sandinista government took power with a socialist vision of uniting all of Nicaragua through assimilatory, nationalistic policies. This vision of ethnic unity caused a United States backed indigenous counterrevolution against the Sandinista government which eventually ended in negotiations for ceasefire where the central government gave recognition of ethnic diversity to the indigenous and Afro-descendant communities (Sánchez, 2007). These negotiations paved the way for Nicaragua's 1987 Constitution which included the Autonomy Law, which granted the Northern and Southern Atlantic regions the right to self-administration, and gave some political, cultural and natural resource rights. (Stocks, 2005, Sánchez, 2007, Larson, 2015). The Northern and Southern Autonomous Zones remain virtually independent of the central government with little to no basic infrastructure connecting the Western and Eastern Nicaraguan coasts. The two autonomous regions make up more than 50 percent of Nicaragua but only ten percent of the population lives there (Sánchez, 2007). These autonomous regions are also home to the majority of Nicaragua's indigenous and Afro-descendant population (Larson, 2015). Numbering only a few hundred, the Rama people are one of the recognized and protected indigenous groups on the Atlantic Coast and have a communal land title to 4,843km<sup>2</sup> (Ortiz, 1987, Liedel, 2015). There is so little communication between the East and West coasts of the country that the Rama among other indigenous and Afro-descendant groups still refer to those who live on the Eastern Coast as "the Spaniards" (Johnson, 2015). The Rama are considered the "Guardians of the Forest" and remain strongly spiritually connected with the rainforest and their sacred sites (Paija, 2015). The Rama maintain their livelihoods through traditional means of subsistence and transportation

(Liedel, 2015, Paija, 2015). Because of their historical exposure to different languages, the Rama are able to communicate in Spanish, English, and some of their native language (Paija, 2015). Unfortunately due to their exclusiveness and small population, there is not a lot of research about the Rama way of life.

Nicaragua is now the second poorest country in the Americas and is governed by an authoritarian regime headed by President Daniel Ortega (2016). Despite its economic standing, Nicaragua had a GDP growth of 4.7% in 2014 in part due to the Central America-Dominican Republic-United States Free Trade Agreement (CAFTA-DR) signed in 2003 (ibid.). Nicaragua was one of the Latin American states who participated in free market reforms and has since opened its borders to all types of foreign investment with little regulation with hopes of economic development (Acosta, 2015). These neoliberal reforms have left Nicaragua vulnerable to the investment of metropole interests.

#### **IV. Main Arguments**

Free, prior, and informed consultation and consent is required for all actions involving indigenous territory in both Chile and Nicaragua by law; however, both states have chosen to pursue neoliberal economic development structures by abusing state power and pursuing foreign funded projects dependent on the relocation and assimilation of indigenous communities and the exploitation of natural resources. The Ralco Hydroelectric Dam and the Nicaraguan Interoceanic Canal are both cases which demonstrate that rule of law is often disregarded “when the interests of powerful domestic elites and transnational corporations collude to achieve a particular development objective” (Orellana, 10, 2005). Both mega-development projects were approved

on the basis of state and foreign economic and political interests wherein the presidential administrations of both Chile and Nicaragua employed their overreaching control over state elites to circumvent national law protecting indigenous rights and land. This political technique is a recent manifestation of a long-term practice: government-led internal colonization of the Chilean Pehuenche Mapuche and the Nicaraguan Rama.

### **The Ralco Dam**

In 1994, Empresa Nacional de Electricidad (ENDESA), a multinational electricity company announced a six dam project along the Bío Bío River (Lindsey, 2004). Four of these dams are located along the upper Bío Bío on indigenous land claimed and owned by the Pehuenche, a subgroup of the Mapuche (Alywin, 2002). The Pangué Dam, the first of the six dam scheme, began construction in 1990 and was completed in 1994 (Lindsey, 2004). Pangué is said to have flooded 500 hectares and forced the relocation of at least 100 Pehuenche (ibid.). Because the approval for the dam was granted prior to the ratification of the 1993 Indigenous Law, the Pehuenche Mapuche had no say in the construction of the dam and little research exists about how its construction impacted the environment and surrounding local communities (ibid.). Additionally Pangué preceded the passing of the Environmental Law in 1993 which would have required the creation of an Environmental Impact Assessment and approval from the National Commission on Environment prior to construction (ibid.).

The Pangué dam was meant to function as part of a two dam hydropeaking system and needed the construction of its sister dam, Ralco, to become fully effective (Alywin, 2002). The Ralco dam would retain water in a large reservoir and would release water into Pangué's lower reservoir depending on electricity demands creating an artificial flow fluctuation whereas Pangué

would release water at a consistent rate (Person, 2013). The linkage between the Pangué and Ralco dams was kept from the Chilean public and stakeholders until after the construction of Pangué (Lindsey, 2004). The Ralco Dam is situated 27km north of the Pangué Dam and had an investment of 500 million USD with the capacity to generate 570 MW of power, additionally the dam flooded an area of 3,500 hectares, seven times that of Pangué (Alywin, 2002). The two sister dams produce some 12% of Chile's national electricity. The dam was built in the span of seven years from 1996 to 2003 (Lindsey, 2004).

The passing of the Indigenous Law and the Environmental Law in 1993 meant that the process of approval for the Ralco Dam had to adhere to new social and environmental standards. Despite the passing of the two laws, the power of the central government rendered both laws ineffective. The Indigenous Law of 1993 was passed as a result of protests against the Pangué Dam and the relocation of Pehuenche families. The Indigenous Law mandated that indigenous lands could not be sold to another ethnicity without the approval of CONADI who refused to approve the trade of indigenous Pehuenche lands to ENDESA, and resulting in the replacement of two Mapuche CONADI directors by the Chilean president and the appointment of a non-native director who approved the sale (ibid.). The 1993 Environmental Law required that the mega-project submit an Environmental Impact Assessment which would then be approved by an independent source (Alywin, 2002). Even though EIAs did not become legally mandatory until 1997, ENDESA did agree to carry out an environmental assessment which was then rejected by more than 20 public agencies who analyzed the proposal's compliance with the law (ibid.). The 20 rejections of the environmental assessment were overruled by President Frei's administration and the mega-project was cleared for construction (ibid.).

The Pehuenche Mapuche were never notified of the plan to construct a second dam until the concession for the mega-project was approved and the approval of the sale of Pehuenche indigenous land by CONADI gave ENDESA the freedom to begin bargaining for the land (ibid.). ENDESA created the Pehuen Foundation, founded as a bargaining chip with the Pehuenche which consistently worked with Pehuenche communities to promote ideas about social and economic development (ibid.). Individual consultations were made which offered families new land, houses, employment, monetary compensation, and alcohol (ibid.). Many of the Pehuenche state that they were promised compensation verbally, a culturally trusted method of communication, which did not exist in the contracts they signed without knowing how to read (Radwin, 2016). The manipulation of information concluded in the majority of Pehuenche families signing away their land. Of the 675 residents that had to be relocated, 500 were Pehuenche and seven of those families refused all negotiations with ENDESA (Lindsey, 2004). But in April of 2002, President Lagos approved the Commission of Good Men which assigned a value to the land of the remaining Pehuenche land and gave ENDESA the right to forcefully buy the land from the seven families (ibid.). Shortly after in 2003 the dam became operational.

### **The Nicaraguan Interoceanic Canal**

In an effort to increase economic growth, President Ortega signed Law 840, the Special Law for the Development of Infrastructure and Nicaraguan Transport in relation to the Canal, Free Trade Zones and Associated Infrastructure in June of 2013 (Acosta, 2015). Law 840 gave Hong Kong Nicaraguan Development (HKND), a China based infrastructure development firm, the rights to finance, construct, and operate an interoceanic canal for 50 years with an additional renewable 50 years (ibid.). Additionally the law allowed HKND to appropriate any land needed



for the canal even if the land was not on the canal route giving HKND the right to take away indigenous and environmentally protected land (ibid.).

The Nicaraguan Canal is projected to cost \$40 billion USD and will be the largest earth-moving mega-project to date (Condit, 2015). Stretching 278km long, the canal will be three times the length of Panama's (Conti, 2014). The proposed depth and width of the canal would make the locks 10 meters deeper and 28 meters wider than the expansions being made in Panama (ibid.). Furthermore, the waterway through Lake Nicaragua needs to have a depth of 27.6 meters. But since Lake Nicaragua only has a depth of 15 meters, excessive dredging will be required (Kay, 2015). The purpose of the canal is to cut the distance needed to travel to Panama and to allow oil super tankers and colossal shipping vessels, which will not fit in Panama, even with the expansions, to pass (Huete-Perez, 2013).

Almost the entire Atlantic coast of Nicaragua is comprised of legally recognized and protected indigenous territory. In 1987, Nicaragua recognized the constitutional articles 5, 89, and 180 which recognized indigenous communities and guaranteed the right of these communities to develop in ways that maintain their culture, language, and any form of communal land ownership (Acosta, 2015). Law 28, Statute of Autonomous Regions of the Atlantic Coast of Nicaragua, recognized regional autonomy, and Law 445, Law of Communal Ownership of Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and of the Rivers Boca, Coco, Indio, and Maíz gave indigenous and ethnic communities the right to legal representation and participation (ibid.). Additionally these indigenous lands legally cannot be sold nor seized under the concept of "pueblos originarios" or original communities recognized by the government in 2014 (ibid. 7). Despite these laws protecting the rights of indigenous communities, the Nicaraguan government signed the



concession to HKND prior to consulting with any environmental and indigenous groups (ibid.). Law 840 states that even the consent of previous laws such as Law 28 and 445 “no serán requeridos para El Proyecto o Sub-proyecto”, “are not required for the canal project or its sub-projects”, thus rendering the laws ineffective (ibid. 9).

International standards from the United Nation Declaration on Indigenous Rights, Convention 169, and the American Convention on Human Rights mandate that development projects which impact indigenous lands must have free, prior and informed consultations before any concession is made (ibid.). However public consultations were only made after the passing of the law in mid-2014 after the desired route for the canal had been established (Canal, 2014). HKND and the Nicaraguan government argued that accurate consultations could not be made until the route was decided (Acosta, 2015). Public consultations only occurred in San Miguelito, New Guinea, Bluefields, Polo de Desarrollo, Rivas, Isla de Ometepe and Managua, six urban centers, and did not target the local populations that lived along the canal route (H, 2014). The consultations about the canal began on July 21, 2014 and lasted for nine days (Canal, 2014). The Public Consultations Overview, released by HKND states that stakeholders attending the consultations felt as though there was a lack of detailed information especially in relation to procedures (ibid.). One suggestion from an attendee from Managua stated that consultations should “expose the negative impacts of the Project, not only the favorable points” (ibid. 20). Additionally the presented material was not clear and “that their questions were not answered clearly, and that the event should have taken place much earlier, not when the concession had already been granted” (H, 2014).

With 52% of the canal route encroaching on indigenous territory, many indigenous communities have taken legal action (University, 2014). More than thirty concerned groups,

ranging from indigenous communities to environmental groups, filed complaints immediately after the law was passed to the Supreme Court of Nicaragua (Meyer, 2014). However the Supreme Court dismissed all the challenges on the basis that Law 840 was passed “with a wide majority and because the major development project took precedence” (Liedel, 2015). In June, 2014, Dr. María Luisa Acosta, an indigenous human rights lawyer for the Rama, filed a complaint to the Inter-American Commission on Human Rights (IACHR) who then issued a request to the Nicaraguan government for proof of adequate consultations with local and indigenous communities (ibid.). The date by which the Nicaraguan government must respond has remained confidential.

The indigenous Rama community will be affected the most by the construction of the canal. The route the canal takes exits into the Atlantic Ocean by bisecting the Rama territory in half, additionally the traditional Rama village of Bangkukuk Tai, home to the last fifteen fluent Rama speakers, will be destroyed for the development of a deep-water port (Acosta, 2015). The impacts of the construction and operation of the canal would have widespread unknown impacts on the rest of the territory with unknown boundaries. With fewer than 1,500 Rama remaining, these potential impacts could completely shatter their way of life (Baldi, 2014). The canal would cut off northern and southern Rama communities, who, with their traditional wooden canoes and motorboats would be unable to cross the port essentially resulting in the severing of communal ties (ibid.). The Rama communal land title to 4,843 square kilometers of land has been rendered ineffective under Law 840 (Liedel, 2015). Despite HKND and government claims to break ground in late 2016, no information has been revealed about compensation and relocation plans for the Rama and all the other indigenous, Afro-descendent, and Nicaraguan communities that will be affected by the canal.

### **Impact on the Environment**

Information regarding the environmental impact of the Ralco Dam has been sparse, however, general information about the impacts of hydropeaking dams is available due to their popularity in Europe. Hydro-peaking creates an “artificial flow fluctuation” which depends on energy demand making it impossible for the native ecosystems to adapt to random variations in water flow (Person, 2013). The Bío Bío river is home to the 17 of 44 known native fish species in Chile, all of which are impacted by the two dams. The flow fluctuations destroy any estuaries causing aquatic life populations to decline and sediment is constantly washed away due to stronger flows causing turbidity and making it impossible for aquatic plants to grow (ibid.). Additionally alterations in temperature and water discharge are key factors in determining spawning and migratory behaviors. There is a noticeable lack of available scientific research on the condition of the river post-construction.

The Interoceanic Canal has the potential to have incalculable environmental impacts. The construction will potentially contaminate the largest freshwater lake in Central America, Lago Cocibolca, which provides drinking water to some 200,000 Nicaraguans. Additionally the locks system that the canal will require an artificial saltwater reservoir impacting freshwater aquatic life and contaminating a major freshwater source (Meyer, 2014). The construction of the canal will not only divide Nicaragua in half, but it will also sever the Mesoamerican Biological Corridor. Wildlife will be “confined to territories carved out by the canal’s infrastructure and accompanying projects, disrupting migration patterns, connectivity, and ecological dynamics” (ibid.). There is exceptional worry for jaguar populations as they require significant unbroken land areas to thrive. This species also has spiritual connections to many indigenous communities.

Additional issues include but are not limited to: invasive species, the dredging of waterways, and pollution from construction (ibid.). Much of the land the proposed canal route is situated on are protected reserves which shelter wetlands and other tropical ecosystems. The appropriation of these legally protect national reserves was also granted to HKND through Law 840. The company has conceded that the infringement on indigenous and protected land is unavoidable.

The HKND website has stated that plans for the canal will include at least six sub-projects: “the canal, 2 ports, a free trade zone, holiday resorts, an international airport...several roads...a power station, cement factory, and other related facilities to ensure completion of the canal in 5 years” (Home). These sub-projects reveal how HKND is planning to capitalize on the passing of the Law 840. It is important to note that the only research that has been conducted by the Environmental Impact Assessment and outside researchers and scientists has only been in regards to the potential environmental impacts of the canal. HKND has revealed no information about how and where they plan on building the rest of the sub-projects especially considering that Law 840 gives the company the right to appropriate any land they desire for the next 50 years (with another renewable 50 years). There is no saying when or if HKND will release information on locations making reviews of the environmental impact assessments virtually impossible. The in transparency of these plans signify that either the plans have not been discussed (which is highly improbable since the company plans to continue construction in August of this year) or that the plans are highly controversial and the company and Nicaraguan government does not wish to give outside parties adequate time to respond.

### **Impact on Indigenous Peoples**

Despite having a multitude of indigenous ethnicities, Latin America has a history of low sensitivity to indigenous needs where states “deliberately discouraged the formation of ethnic consciousness...as a part of the nation-building process”; additionally exclusionary practices and discriminatory social discourses have deterred indigenous peoples from identifying as indigenous (Madrid, 33, 2008). These mega-projects pose a greater threat to these already marginalized indigenous communities because of a collective history of colonialism that indigenous communities share as they are ‘invisibilized’ and oppressed repeatedly by postcolonial practices. “*La tierra no le pertenece a una persona, sino que las personas, como conjunto, pertenecen a la tierra, que los acoge y alimenta*”, “the earth does not belong to one person, but the people as a whole belong to the land that it hosts and feeds” (Ralco, 2011). The land taken from the Pehuenche and the land that could be taken from the Rama represent more than just territory. Their indigenous identity hinges on their relationship with the land and resources and if removed they become displaced and lose everything that makes them who they are (Mackay, 2016). In the case of both the Ralco Dam and the Interoceanic Canal, the impacts on the indigenous communities cannot be assessed without a comprehensive understanding of the environmental impacts on indigenous land (ibid.). Since the environmental impact assessments for both projects were deemed inadequate either by review agencies or by national and foreign environmentalists, it becomes impossible to judge the impacts on the land and by extension on indigenous identity.

With the construction of the Ralco Hydroelectric Dam, the Pehuenche Mapuche had the choice of relocating to three different communities provided by ENDESA; El Barco, El Huachi and Santa Laura (Ralco, 2011). El Barco is situated at some 1,000 meters above sea-level and is covered with snow for the majority of the year, El Huachi is located in an area where there are no traditional forests therefore impeding indigenous traditional lifestyles, the last location,

Santa Laura, is located 85km away from the other communities and would alienate the Pehuenche families from each other (Kuppe, 2001). Of the three locations, the Pehuenche were eventually relocated to El Barco as a part of ENDESA's Relocation Plan "that generally included a new house with electricity for each family on land appraised for more than the property they had lost, farm animals and a corral to hold them, as well as a small, open-top hut for keeping a continuous fire" (Radwin, 2016). Ten years later, many Pehuenche are still waiting on ENDESA to compensate them for the loss of their land. Promises of free electricity, new community infrastructure, and continued assistance on behalf of ENDESA have apparently fallen through (ibid.). Furthermore, the houses that the Pehuenche were relocated to are equipped with modern Western amenities such as electricity and running water forcing indigenous families to abandon their traditional living situations (ibid.). The community is witnessing a decrease in cultural practices because of the difficulty of pursuing traditional ways of life. Even if the Pehuenche wished to travel down to the Ralco reservoir, ENDESA and the Chilean government have made the area surrounding the dam and reservoirs private, denying indigenous communities access to the land (Alywin, 2002). Restricting access to once sacred and spiritual land has completely altered Pehuenche identity. The Rama face a predicament similar to the Pehuenche. While no concrete information has been released about relocation or compensation policies, the Rama can expect to be subject to similar conditions of land dispossession and poor compensation.

## **V. Policy Recommendations**

### **The Role of International Multilateral Institutions and International Civil Society Organizations**

“Who’s going to do it? We have no money”. These are the words of Doctor María Luisa Acosta, a renowned Nicaraguan attorney who is representing the Rama and other indigenous groups in the fight against the Nicaraguan Interoceanic Canal. This was Doctor Acosta’s response when I had asked her if she believed that local resistance could stop the construction of the canal. Despite significant dissent in the country about the construction of the canal, the protesters are unable to influence Ortega’s government, Acosta’s response highlighted the gap that international multilateral institutions and civil society could fill. “In the future governments will be more accountable [for circumventing law] and can be exposed for corruption” (Carozza, 2016). While globalization has increased neoliberal and free-market reforms which have given foreign parties the ability to invest in periphery country economies, it has also given rise to a new era of international human rights recognition and protection. Responsibility for defending human, indigenous, and environmental rights can now fall to “international human rights bodies, multilateral institutions...and even non-governmental organizations” (Bryan, 222, 2012) “as indigenous rights and agendas...are now incorporated within development policies and projects of the World Bank, the Inter-American Development Bank, the European Union, and numbers of bilateral aid agencies” (Andolina, 2, 2009). In Chile, domestic and international attention to the Ralco Dam forced the Chilean government to adopt policies and promises to protect indigenous peoples and their resources. In Nicaragua, the canal project has been temporarily detained in part by the loss of funding but also because of the protests occurring all along the proposed canal route and in the international arena. With the evolution of superior media technologies and modes of communication, protests against large infrastructure projects have the capacity garner national and international attention. In the future, international pressure can help to ensure that future projects do not go unregulated. These forms of international pressure are known as the



chief techniques and resources of international civil society organizations and multilateral institutions. Multilateral institutions and international civil society organizations have the unique ability to pressure state governments while often remaining disconnected from being directly associated with other state governments and their priorities. This pressure has been incorporated into the work of international civil society organizations and multilateral institutions. In this unique space, multilateral international institutions and international civil society organizations can monitor the actions taken by governments and ensure that they adhere to national and international laws, and if these laws are not met, they may rally international attention and pressure to ensure that marginalized indigenous communities and the environment are adequately protected.

Civil society organizations are flexible enough to act within “the non-legislative, extra-judicial, public space in which societal differences, social problems, public policy, government action, and matter of community and cultural identity are developed and debated” (Fischer, 4, 2007). Building on existing systems of indigenous knowledge, civil society can provide indigenous movements with political space outside of government control. International civil society can influence the regulation of “public agendas [and] their design, implementation and evaluation” (Disney, 87, 2014) by displaying information about violations of human and environmental rights. Properly showcasing such violations may even result in the cessation of funding for mega-development projects if funding institutions are sensitive to international opinion and lose support. In the case of Nicaragua, most of the funding is coming from a private for-profit Chinese company. Such companies would rely on continued business with international clients to remain successful, therefore negative media and pressure would result in a loss of business and a tarnished reputation.



The rise of indigenous civil society organizations has been coupled with an increased collaboration with international legal institutions. In 2001, for example, the Inter-American Court of Human Rights (IAHRC) ruled in favor for the case of Awas Tinghi Mayagna, an indigenous community in Nicaragua, this landmark decision internationally recognized the cultural and historical ties indigenous communities had to the land as “a material and spiritual element which they must fully enjoy, even to preserve their cultural legacy and transmit it to future generations” (Hooker, 304, 2005). These international institutions and organizations have given indigenous movements access to “material resources and media access of international networks” (Fischer, 3, 2007). This avenue has provided the indigenous movements with a source of international media and attention while supporting their fight for justice and recognition in international human rights courts. This past February another indigenous community won a human rights case through the IAHRC. Bauxite mining undertaken by foreign corporations with state permission had invaded the Kaliña and Lokono indigenous community’s territory in Suriname (Indigenous, 2016). The Court ruled that the state of Suriname must “delimit, demarcate, and title” the indigenous land on the basis of the violation of the American Convention of Human Rights (ibid.). Renowned and respected legal institutions such as IAHRC create a firm global statement with such rulings as they set a precedent for how state governments must interact with indigenous communities. Increased globalization has decentralized the traditional state authority giving indigenous movements a means to directly connect with legal institutions on the basis of citizenship rights, land rights, legal personality rights, and the upholding of international declarations.

Multilateral institutions and civil society organizations of metropole origin must be aware of their approach to assisting indigenous communities, as they risk being “influenced by the

culture and political climate in which they [are based]” and unknowingly perpetuating postcolonial attitudes (Cosgrove, 128, 2010). In order to justly approach the multifaceted dilemma indigenous peoples face, these multilateral institutions and civil society organizations must reflect on their own positionality not only as often hailing from metropole states, but also on their own position of power as an international representative of indigenous movements. There is a risk for indigenous peoples if these international actors authenticate the exclusion and marginalization of indigenous peoples in their actions and court rulings. Additionally international organizations who claim to represent indigenous interests abroad may misinterpret the indigenous struggle. For example, Western educated individuals tend to share the belief that indigenous communities wish to remain in stasis and are not interested in development. But it “isn’t ‘backwardness’ that makes many tribal peoples reject development projects” and other notions of developmental progress, but a rational historical fear of forced dependency on powerful elites and continued marginalization (Corry, 2011). Such misinterpretations demonstrate that international organizations operating across periphery and metropole borders must constantly be aware of how they present themselves and the exploited peoples they represent. When international institutions and civil society consciously avoid postcolonial bias, they can be a crucial ally in the struggle for indigenous recognition and rights in the international arena.

### **Quantifying Indigenous Wealth: Redefining Development to Achieve Indigenous Empowerment**

Indigenous empowerment and intercultural/multicultural education are a consequence of ethnodevelopment and ‘development-with-identity’ programs. Ethnodevelopment “targets the

poverty of marginalized ethnic groups with a focus on identity and self-management...[by] focus[ing] on antipoverty strategies” (Chartock, 52, 2013). Such strategies include the implementation of intercultural bilingual education agencies, semi-autonomous state institutions, and indigenous development strategies (ibid.). ‘Development-with-identity’ refers to a wide set of understandings and divergent views about how to make development sensitive to Indian needs...[by] treat[ing] indigenous culture as a flexible and dynamic resource, as the basis for creative thinking outside the standard “box” of development solutions” (Laurie, 79, 2002). ‘Development-with-identity’ programs pursue development with indigenous knowledge as its foundation. These strategies can manifest themselves in education where indigenous knowledge, identity, and culture are taught as the main curriculum. Pursuit of ethnodevelopment and ‘development-with-identity’ models can foster a climate in which indigenous traditions are valued at a regional, national, and transnational level in a system which begins with indigenous peoples. In order to fully understand the value of indigenous knowledge as something that transcends the local community level, we must quantify the indigenous community’s cultural wealth. This cultural wealth consists of five categories: familial capital, aspirational capital, social capital, navigational capital, linguistic capital, and resistant capital (Yosso, 2006). These types of capital help to articulate and evaluate the value in indigenous culture.

*Familial Capital.* This capital refers to cultural knowledge carried by ethnic communities “that carry a sense of community history, memory and cultural intuition...[which] model lessons of caring, coping and providing, which inform...emotional, moral, educational and occupational consciousness” (ibid. 79). For indigenous communities, this capital is manifested through their communal lifestyles and ideologies. Strong indigenous familial and community ties create a strong support system which can be quantified as familial capital. These ties can enable

indigenous peoples to pursue aspirational goals without worrying about community support and understanding.

*Aspirational Capital.* This capital is “the ability to maintain hopes and dreams for the future, even in the face of real and perceived barriers...to dream of possibilities beyond...present circumstances, often without the objective means to attain those goals” (ibid. 77-78).

Aspirational capital can be attributed to the entirety of indigenous movements across Latin America and the world. This capital is what substantiates the drive behind indigenous movements to aim for goals that initially were omitted from international world systems.

*Social Capital.* This capital includes the “networks of people and community resources” available to a specific ethnic group (ibid. 79). Social capital can manifest itself through “cultural features like extended-family networks, norms of reciprocity, dense associations, close relationships to land, and consensual communal governance” (Andolina, 11, 2009), but it may also refer to the relationships that indigenous peoples have with parties outside of their communities. These networks may develop through relations with national and international NGOs, institutions, and governments which allow indigenous movements to access areas of higher power and more resources and media.

*Navigational Capital.* This capital is understood as the ability to maneuver through social “structures of inequality permeated by racism [using] a set of inner resources, social competencies and cultural strategies” (Yosso, 80, 2006). Navigational capital skills have been forced upon indigenous communities for centuries and indigenous peoples have developed different ways to respond to unequal structures depending on their abilities to work social institutions to their advantage. Indigenous communities may utilize navigational capital to place

themselves in positions of power and influence within neoliberal and democratic systems in order to further indigenous goals.

*Linguistic Capital.* This capital refers to the “intellectual and social skills attained through communication experiences in more than one language and/or style...[these] may include listening to and recounting oral histories, parables, stories, and proverbs” (ibid. 79). For indigenous communities linguistic capital most commonly refers to bilingual abilities, however linguistic capital may also manifest itself as forms of art and expression unique to indigenous values and traditions. Traditional music, storytelling, and visual art can all fall under linguistic capital.

*Resistant Capital.* This capital refers to the “knowledges and skills fostered through oppositional behavior that challenges inequality...[and] is grounded in the legacy of resistance to subordination” (ibid. 80-81). The skills required for resistant capital are a hallmark of indigenous community’s continued existence. For centuries indigenous peoples have fought against structures of inequality so much so that it has become a lifestyle. Land rights, political representation, and right to natural resources among others are all battles that have been waged by marginalized indigenous peoples against a commanding power.

This collection of cultural wealth can be used not only to quantify the value of indigenous knowledge, but also as a tool to advocate for the funding of indigenous-led education and development. The value of this knowledge allows indigenous people to participate in ‘development-with-identity’ and ethnodevelopment strategies as experts (Laurie, 92, 2012). For example, Chile has vast amounts of land designated for mono-cropping eucalyptus trees. If the Chilean government ever decided to reforest these plantations with native rainforests to increase its environmental capital, the state could call upon the Mapuche for their vast knowledge of

native flora and fauna to facilitate restoration. In this situation, the Mapuche would be considered experts. Formatting a development regime in which indigenous peoples constitute the professionals upends perceived routinized development practices by creating governable spaces which challenge contemporary development experts to redefine indigenous knowledge “as an asset to development rather than an obstacle” (Andolina, 11, 2009). It is at this juncture where indigenous peoples can assert power and influence to create alternate transnational development schemes which “directly engage with the logics, frameworks and epistemologies” of their movements (Laurie, 90, 2012).

Regarding indigenous cultural wealth, ideologies, and identity as the core of educational systems and development structures can establish a comprehensive regime of indigenous recognition and rights which can “demonstrate the increasingly crucial role that regional systems can play in the construction and consolidation of global human rights regimes...[as] regional systems tend to be seen as genuine representatives of the region’s values and therefore, may be rewarded with a higher degree of trust by constituent states and peoples” (Barelli, 952, 960, 2010). Here indigenous peoples can be attributed to the foundation of internationally accepted human rights regimes as pivotal actors.

Relocation and assimilation to El Barco have removed the Pehuenche from their physical and spiritual home while destroying a significant amount of their cultural wealth. If future ethnodevelopment or ‘development-with-identity’ projects were to take place, the Pehuenche will have lost some of their cultural knowledge to the traditional Western lifestyles, inhibiting their ability to fully participate and create a basis for the value of Pehuenche knowledge. If the Rama communities in Nicaragua were to be devoured and divided by the canal, similar outcomes can be expected. The Rama are so few that this canal project could completely wipe out their

cultural wealth while forcing them to settle along the canal route and proposed tourist projects. As a people who have long inhabited a substantial section of Nicaragua's Atlantic coastline, the Rama have cultural and environmental knowledge rooted in a history of traditional practices; some of which may pertain to medicine, species discovery and behavior, ecological knowledge and cultural history. The Interoceanic Canal would destroy all possibilities of realizing this knowledge and recognizing the Rama the keepers of such cultural wealth. The Chilean Ralco Dam and the Nicaraguan Interoceanic Canal cannot be an accepted routinized model for economic development when they destroy so much cultural capital.

## **VI. Conclusions: Bottom-Up and Top-Down: Pathways to Indigenous Empowerment and the Rule of Law**

The loss of the land and the inability to maintain traditional ways of life coerce indigenous communities to accept, endure, or surrender to the same neocolonial development and lifestyle structures imposed on their governments by metropole interests. The ENDESA Relocation Plan for the Pehuenche Mapuche devastated the Pehuenche's cultural wealth through forced relocation and the introduction of a Western structured lifestyle. The Pehuenche Mapuche now face forced assimilation as a result of being separated from important aspects that constructed their identity. But despite the risk of the utter eradication of indigenous cultural wealth, these states have continued to pursue destructive mega-development projects. The Nicaraguan Interoceanic Canal has the potential to irreparably affect culturally significant Rama land and towns as well as a multitude of other indigenous and Afro-descendant communities, all of which each possess distinct cultural wealth. These mega-development projects all market an

illusion of development wherein communities who do not conform become byproducts of neoliberal economic development. Both the Ralco Dam and Interoceanic Canal require land expropriation and involuntary resettlement and neither will be perceived as steps towards development by indigenous communities. Employing discourses which revolve around indigenous cultural wealth to promote amendments to development paradigms to encourage 'development-with-identity' and ethnodevelopment options cultivate an atmosphere where indigenous knowledge is valued and respected ensuing in indigenous empowerment regimes. This empowerment and acknowledgement would constitute a bottom-up strategy to combat future marginalization and confront normalized neoliberal development structures.

This bottom-up indigenous empowerment strategy can only be achieved through support from complementary top-down international multilateral institutions and civil society organizations. These institutions and organizations are crucial in creating a space in which indigenous empowerment can occur without government interference and influence. In addition to providing a governable space for indigenous communities such as the Rama and Pehuenche, these multilateral institutions and civil society organizations may also grant indigenous movements a wider audience through transnational advocacy by utilizing resources that remain unavailable to indigenous communities. Acting as an intermediary between indigenous movements and international actors may bolster global attention and support. International legal institutions in particular have the ability to embed indigenous rights within human rights regimes. Should international human rights courts rule that the Nicaraguan Interoceanic Canal violates the rights of indigenous peoples, it will force Nicaragua to terminate the project or find a way to appease indigenous demands. This would also send a clear message that infrastructure



projects must abide by national and international laws, including laws regarding indigenous rights.

Indigenous empowerment must be realized from the bottom-up. Initial reactions to states circumventing laws tend to jump straight to demands of indigenous political representation. However, as seen with the Mapuche legal entity, CONADI, political representation means nothing should the indigenous peoples lack support outside their ethnic group from fellow citizens, the state, and the international community. Indigenous political representation without this foundation creates dialogue wherein indigenous representatives become puppets for indigenous public appeasement with no real power as they are perceived as obstacles to development. This support begins with creating that strong foundation which utilizes indigenous knowledge as a vehicle for development.

## References

- Acosta, M. L. (2015). Análisis del Resumen Ejecutivo del Estudio de Impacto Ambiental y Social (EIAS) del Canal Interoceánico por Nicaragua y Los Derechos de los Pueblos Indígenas y Afrodescendiente de la Costa Caribe. 1-14. Retrieved February 15, 2016.
- Acosta, M. L. (2013). El Impacto de la Ley del Gran Canal Interoceánico de Nicaragua sobre los Pueblos Indígenas y Afrodescendientes de Nicaragua. 1-16. Retrieved February 16, 2016.
- Acosta, M. L. (2016, March 18). "How will the unprecedented Nicaraguan Canal impact international law?" [Personal interview].
- Alywin, J. (2002). The Ralco Dam and the Pehuenche People in Chile: Lessons from an Ethno-Environmental Conflict. 1-21. Retrieved February 17, 2016.
- Antkowiak, T., Huete, J., Acosta, M. L., Cavallaro, J., Mackay, F., Magraw, D., Shelton, D., & Carozza, P. (2016). "How will the unprecedented Nicaraguan Canal impact international law?" Washington D.C., ML: Kellogg Institute for International Studies.
- Arraiza, J. (2012). Squaring Indigenous Circles: The Making of Nicaragua's Indigenous Communal Property Regime. *International Journal on Minority and Group Rights*, 19(1), 69-103. doi:10.1163/157181112x620546
- Baldi, N. F., Melton, P. E., & Crawford, M. H. (2014). Effect of Recent Historical Events on Migration and Isonymic Stratification among the Rama Amerindians from Nicaragua. *Human Biology*, 86(1), 37-50. doi:10.3378/027.086.0105
- Barelli, M. (2010). The Interplay Between Global and Regional Human Rights Systems in the Construction of the Indigenous Rights Regime. *Human Rights Quarterly*, 32(4), 951-979. doi:10.1353/hrq.2010.0018

- Bilbao-Osorio, B. (2014, September 3). Top 10 most competitive economies in Latin America and the Caribbean. Retrieved March 16, 2016, from <http://www.weforum.org/agenda/2014/09/top-10-competitive-economies-latin-america-caribbean/>
- Bryan, J. (2012). Rethinking Territory: Social Justice and Neoliberalism in Latin America's Territorial Turn. *Geography Compass*, 6(4), 215-226. doi:10.1111/j.1749-8198.2012.00480.x
- Carruthers, D., & Rodriguez, P. (2009). Mapuche Protest, Environmental Conflict and Social Movement Linkage in Chile. *CTWQ Third World Quarterly*, 30(4), 743-760. Retrieved January 13, 2016.
- Chartock, S. (2013). "Corporatism With Adjectives"? Conceptualizing Civil Society Incorporation and Indigenous Participation in Latin America. *Latin American Politics and Society*, 55(2), 52-76. doi:10.1111/j.1548-2456.2013.00193.x
- Clement, V. (2015). Conquest, Natives, and Forest: How Did the Mapuches Succeed in Halting the Spanish Invasion of Their Land (1540-1553, Chile)? *War in History*, 22(4), 428-447. doi:10.1177/0968344514523000
- Close, D. (2008). El Pueblo Rama: Luchando por Tierra y Cultura/The Rama People: Struggling for Land and Culture. Retrieved May 10, 2016, from <http://search.proquest.com.proxy.seattleu.edu/pqrl/docview/220273654/E391FFE61EDB47CBPQ/2?accountid=28598>
- Condit, R. (2015). Extracting Environmental Benefits from a New Canal in Nicaragua: Lessons from Panama. *PLOS Biology PLoS Biol*, 13(7), 1-7. Retrieved February 1, 2016.

- Conti, J. P. (2014). The New Grand Canal: Can a rival interoceanic waterway to the Panama Canal help transform Nicaragua from one of Latin America's poorest nations into a major hub of global commerce? *Engineering & Technology*, 68-71.
- Corry, S. (2011). Do indigenous peoples benefit from 'development'? | Stephen Corry. Retrieved June 04, 2016, from <http://www.theguardian.com/global-development/poverty-matters/2011/nov/25/indigenous-peoples-benefit-development-tribal>
- Cosgrove, S. (2016). "Who will use my loom when I am gone?" An Intersectional Analysis of Mapuche Women's Progress in Twenty-First Century Chile. 1-17. Retrieved April 13, 2016.
- Cosgrove, S. (2010). *Leadership from the margins: Women and civil society organizations in Argentina, Chile, and El Salvador*. New Brunswick, NJ: Rutgers University Press.
- Disney, J. L., & Williams, V. S. (2014). Latin American Social Movements and a New Left Consensus: State and Civil Society Challenges to Neoliberal Globalization. *New Political Science*, 36(1), 1-31. doi:10.1080/07393148.2013.864897
- Fischer, E. F. (2007). Indigenous Peoples, Neo-liberal Regimes, and Varieties of Civil Society in Latin America. *Social Analysis*, 51(2), 1-18. doi:10.3167/sa.2007.510201
- H. (2014). Nicaragua Canal: Public Consultations Overview. 1-22. Retrieved March 1, 2016.
- Herrmann, T. M., & Torri, M. (2009). Changing forest conservation and management paradigms: Traditional ecological knowledge systems and sustainable forestry: Perspectives from Chile and India. *International Journal of Sustainable Development & World Ecology*, 16(6), 392-403. Retrieved February 10, 2016.
- History of Chile. (n.d.). Retrieved April 25, 2016, from <http://www.reachtoteachrecruiting.com/guides/chile/history-of-chile/>

Home Page - HKND Group Nicaragua Canal Global Trade Project. (n.d.). Retrieved March 04, 2016, from <http://hknd-group.com/portal.php?mod=list>

Hooker, J. (2005, May). Indigenous Inclusion/Black Exclusion: Race, Ethnicity and Multicultural Citizenship in Latin America. *Journal of Latin American Studies*, 37(2), 285-310. doi:10.1017/s0022216x05009016

Huete-Perez, J. A., Tundisi, J. G., & Alvarez, P. J. (2013). Will Nicaragua's Interoceanic Canal Result in an Environmental Catastrophe for Central America?. *Environmental Science & Technology*, 47(23), 13217-13219. doi:10.1021/es404840a

Ishizawa, J. (2004). On Local Communities and Megaprojects: The cultural challenge. *Development*, 47(1), 58-63. Retrieved February 20, 2016.

Johnson, T. (2015, June 18). Nicaragua's Rama Indians face peril from canal and migrants. Retrieved May 23, 2016, from <http://media.mcclatchydc.com/static/features/NicaCanal/RAMA.html>

Kay, B. (2015, May). Nicaragua: Canal controversy. *New Internationalist*. Retrieved February 1, 2016.

Kumaraswamy, M. M. (1997). Appropriate Appraisal and Apportionment of Megaproject Risks. *Journal of Professional Issues in Engineering Education and Practice*, 123(2), 51-56. Retrieved February 20, 2016.

Kuppe, R., & Potz, R. (2001). *Law and anthropology: International yearbook for legal anthropology* (11). The Hague: Martinus Nijhoff publ.

Larson, A. M., Cronkleton, P. J., & Pulhin, J. M. (2015). Formalizing Indigenous Commons: The Role of 'Authority' in the Formation of Territories in Nicaragua, Bolivia, and the Philippines. *World Development*, 70, 228-238.

- Liedel, E. (2015, August 27). How an Indigenous Group Is Battling Construction of the Nicaragua Canal. Retrieved March 01, 2016, from <http://www.smithsonianmag.com/science-nature/how-indigenous-group-battling-construction-nicaragua-canal-180956418/?no-ist>
- Lindsey, R. (2004). Unsustainable Development in the Southern Cone: The Ralco Dam Project. 75-92. Retrieved February 16, 2016.
- Madrid, R. L. (2008). Indigenous Parties and Democracy in Latin America. *Latin American Politics and Society*, 47(4), 161-179. doi:10.1111/j.1548-2456.2005.tb00332.x
- Meyer, A., & Huete-Pérez, J. A. (2014). Conservation: Nicaragua Canal could wreak environmental ruin. *Nature*, 506(7488), 287-289. Retrieved January 15, 2016.
- Montero, A. P. (2008). Macroeconomic Deeds, Not Reform Words: The Determinants of Foreign Direct Investment in Latin America. *Latin American Research Review*, 43(1), 55-83. doi:10.1353/lar.2008.0008
- Nami, K. (2010). A Mission to the “Graveyard of Empires”? Neocolonialism and the Contemporary Evangelical Missions of the Global South. *Mission Studies*, 27(1), 3-23
- Nesti, L. (2002). The Mapuche–Pehuenche and the Ralco Dam on the Biobío River: The Challenge of Protecting Indigenous Land Rights. *International Journal on Minority and Group Rights*, 9(1), 1-40.
- Oliomogbe, G., & Smith, N. (2012). Value in Megaprojects. Organization, Technology, and Advancement in Construction, 4(3), 617-624. Retrieved February 20, 2016.
- Orellana, M. A. (2005). Indigenous Peoples, Energy and Environmental Justice: The Pangu/Ralco Hydroelectric Project in Chile's Alto BíoBío. *Journal of Energy & Natural Resources Law*, 23(4), 511-528. doi:10.1080/02646811.2005.11433418

Ortiz, R. D. (1987). Indigenous Rights and Regional Autonomy in Revolutionary Nicaragua.

*Latin American Perspectives*, 14(1), 43-66. doi:10.1177/0094582x8701400103

Paija, P. (2015, January 13). Meeting the Indigenous People of Nicaragua – the Rama. Retrieved

April 23, 2016, from <http://www.bizarreglobehopper.com/blog/2015/01/13/indigenous-people-of-nicaragua-the-rama/>

Person, E. (2013). Impact of Hydropeaking on Fish and their Habitat. Lausanne: EPFL.

Retrieved February 1, 2016.

Radwin, M. (2016, January 31). Chile's Mapuche-Pehuenche: 10 years after relocation.

Retrieved March 16, 2016, from

<http://www.aljazeera.com/indepth/features/2016/01/chile-mapuche-pehuenche-10-years-relocation-160127111719637.html>

Rakowski, C. A. (1993). The ugly scholar: Neocolonialism and ethical issues in international research. *The American Sociologist*, 24(3-4), 69-86.

Ralco le cambio la vida de los Pehuenches. (2011, May 30). Retrieved June 02, 2016, from

<https://www.veoverde.com/2011/05/ralco-le-cambio-la-vida-a-los-pehuenches/>

Rivera, B. (2016). Pillage and Dispossession in Nicaragua. Retrieved June 04, 2016, from

<https://intercontinentalcry.org/pillage-dispossession-nicaragua/>

Sánchez, L. (2007). Splitting the Country: The Case of the Atlantic Coast of Nicaragua. *Journal of Latin American Geography*, 6(1), 7-23. doi:10.1353/lag.2007.0015

South America : Chile. (2016). Retrieved April 24, 2016, from

<https://www.cia.gov/library/publications/the-world-factbook/geos/ci.html>

Stavenhagen, R. (2005). Rights of Indigenous Peoples: Closing the Gap in Global Governance.

*Global Governance*, 11, 17-23. Retrieved January 22, 2016.

Stocks, A. (2005). Too Much for Too Few: Problems of Indigenous Land Rights in Latin America. *Annual Review of Anthropology*, 34(1), 85-104.

Tomaselli, A. (2012). Natural Resources Claims, Land Conflicts and Self-Empowerment of Indigenous Movements in the Cono Sur – The Case of the Mapuche People in Chile. *International Journal on Minority and Group Rights*, 19(2), 153-174. Retrieved January 22, 2016.

University, S. (2014, December 8). International Human Rights Clinic joins fight to stop Nicaragua canal. Retrieved March 01, 2016, from <http://www.law.seattleu.edu/newsroom/2014-news/international-human-rights-clinic-joins-fight-to-stop-nicaragua-canal>

2016 Index of Economic Freedom: Nicaragua. (n.d.). Retrieved March 16, 2016, from <http://www.heritage.org/index/country/nicaragua>